

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ARTHUR TERRY WALTERS,

Plaintiff,

vs.

THE VENETIAN RESORT HOTEL AND
CASINO, *et al.*,

Defendant.

Case No. 2:15-cv-00431-APG-VCF

REPORT & RECOMMENDATION

This matter involves *pro se* Plaintiff Arthur Terry Walters' civil action against the Venetian Resort Hotel & Casino.

On March 20, 2015, the court denied Walters' application to proceed *in forma pauperis* and ordered him to pay the court's filing fee by April 2, 2015. (Doc. #5).

On March 30, 2015, Walters appealed the court's order to the Ninth Circuit. (Doc. #7).

On May 19, 2015, the Ninth Circuit granted Walters' "motions for voluntary dismissal." (Doc. #10).

On May 21, 2015, the Honorable Andrew P. Gordon, U.S. District Judge, ordered that the Ninth Circuit's "mandate be spread upon the records of this Court in this matter."

To date, no filing fee has been paid. In accordance with this court's March 20, 2015 order, the court recommends that Walters' complaint be dismissed with prejudice for failure to pay the court's filing fee.

ACCORDINGLY, and for good cause shown,

IT IS RECOMMENDED that Plaintiff's complaint be DISMISSED with prejudice.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

Pursuant to Local Special Rule 2-2, the Plaintiff must immediately file written notification with the court of any change of address. The notification must include proof of service upon each opposing party of the party's attorney. **Failure to comply with this Rule may result in dismissal of the action.** See LSR 2-2.

DATED this 2nd day of June, 2015.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE